

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SCOTT MCCANDLISS,)
DMIDRIY ABRAMYAN, ABDIKADIR)
AHMED, AHMED KATUN AHMED,)
AHMED HASSAN, BEN STEWART)
ROUNTREE, FAHEEM IQBAL)
QURESHI, ANTHONY D. LOGAN,)
MOHAMED ABDULLE,)
HAMOUD S. ALDAHABALI, JAMAL)
ABDI, ABDILAH A WALE,)
MOHAMED A. HUSSEIN)
and all others similarly situated,)
Plaintiffs)

v.)

UBER TECHNOLOGIES, INC.,)
RASIER, LLC)
and)
KEITH RADFORD, AHMED SIMJEE,)
JOSHUA GANTT, LESLIE GILMARTIN,)
BRIAN GIQUEL, CHRISTOPHER BOSAK,)
CHRISTOPHER JOHNSON, KEVIN)
BUTTIMER, DANIEL ANDERSON, JOHN)
STETTNER, RACHEL PIETROCOLA,)
JOSH VARCOE, FABIAN FERNANDEZ,)
AMINUR CHOUDHURY, SEID SHEK,)
ABEBE TESFAYE, SAMUEL WORKU,)
JEAN RICHARD PIERRE, ALEXANDER)
AGBAERE, AYODELE OKPODU,)
BELAY DAGNEW, individually and)
all others similarly situated,)
Defendants.

Civil Action File No.
1:14-03275- WSD

Class Action

**PLAINTIFFS' OBJECTION AND MOTION TO STRIKE DEFENDANTS'
REPLY BRIEFS [DOC. 61, 62 & 63]**

Plaintiffs strongly object to Defendants' filing Reply Briefs [Doc. 61, 62 & 63] which were not scheduled or authorized by this Court.¹ On May 29, 2015 Lead Counsel for Defendants, Stephen Swedlow and Michael Tyler, were present at the conference with the Court. At the request of all parties, the Court set a schedule (June 15, 2015) for Plaintiffs' to submit a Second Amended Complaint and any supplement regarding the pending Motion to Remand [Doc. 6]. The Court set a date two weeks thereafter of June 29, 2015 for Defendants to renew their Motions to Dismiss. Plaintiffs were then given only nine (9) days until July 8, 2015 which included the July 4th holiday to respond to the three (3) motions filed by the Defendants after first considering only seven (7) days for plaintiffs to respond. [Doc. 49, p.18].

Counsel for Defendants made no request to file any reply to support their motions and the Court issued an appropriate schedule which included the dates above [Doc. 59]. Still, Defense Counsel all were silent about any reply briefs when the schedule was issued. Now, a full NINETEEN (19) days after Plaintiffs timely filed their Responses [Doc. 58 & 59] within nine days, Defendants Uber and Rasier have filed a sixteen page reply brief [Doc. 61]; the Driver Defendants have

¹ Prior to Defendants' filing their Replies, the Clerk had submitted all three Motions to Dismiss to Judge Duffey for his decisions.

filed an eleven page reply brief [Doc. 62]; and, Mr. Radford offers an additional fourteen pages [Doc. 63].

Giving Plaintiffs only nine days to file responses to three motions and then allowing Defendants a full seventeen days for reply is inherently unjust, prejudicial and unfair. Taking advantage of the Court in this way should not be tolerated. Parties should not be treated *unequally* in any court. Defendants' did not seek permission from the court to file their replies even though there was ample opportunity at the conference May 29 and after the special schedule was issued [Doc. 50] and followed by the parties. The parties jointly asked the Court for a special schedule to get all issues before the Court. Defendants now play a game of "gotcha" which the Court should not tolerate under these circumstances.

Pursuant to Federal Rule of Civil Procedure 12(f), Plaintiffs hereby move the court to "strike" the reply briefs filed by the Defendants [Doc. 61, 62 & 63]. They should not be considered in any way or on any matter now pending. Defendants should be admonished for this kind of "sandbagging".

Respectfully submitted this 27th day of July, 2015.

/s/ William A. Pannell
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Of Counsel

LOCAL RULE 7.1 CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing pleading filed with the Clerk of Court has been prepared in 14 point Times New Roman font in accordance with Local Rule 5.1(C).

Dated: July 27, 2015.

/s/ William A. Pannell
William A. Pannell

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2015, I filed a copy of the foregoing document using the Court's ECF/CM system, which will automatically send notice of such filing to counsel for Defendants:

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Dated: July 27, 2015.

/s/ William A. Pannell
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